

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>BRIAN L. BROWN,</b>	§	
<b>Plaintiff,</b>	§	
	§	
v.	§	<b>Civil Action No. 3:07-CV-2154-O (BH)</b>
	§	
<b>ROMULO ARMENDARIZ, et al.,</b>	§	
<b>Defendants.</b>	§	

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (Doc. # 59), entered November 6, 2008, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

The Court granted Plaintiff several extensions of time to file objections to the Magistrate Judge's Findings, Conclusions, and Recommendation, allowing Plaintiff over four months to file his objections. However, Plaintiff did not file objections before time expired on March 19, 2009. Plaintiff did send a letter to the Court, received March 23, 2009, stating that, although he receives five stamps per week from the Bureau of Prisons, Plaintiff has used these stamps on things other than filing his objections. Plaintiff did not request additional time to file his objections in this letter, but to the extent Plaintiff's letter could be construed as a motion for an extension of time, the Court finds the motion should be denied as untimely.

Accordingly, the *Motion to Dismiss or, in the alternative, for Summary Judgment on Behalf of New Federal Defendants and Brief in Support*, filed on July 10, 2008, (Doc. # 46) is hereby

**GRANTED** to the extent it seeks summary judgment. The motion is **DENIED** to the extent it seeks dismissal pursuant to Fed. R. Civ. P. 12(b)(1) or (b)(6). All of Plaintiff's claims against Defendants Robert Keleman, Nathan Patterson, Mark Race, Delbert Sauers, and Rick Stover are hereby **DISMISSED** with prejudice.

**SO ORDERED** on this 26<sup>th</sup> day of March, 2009.

  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE